HON'BLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE G. BHAVANI PRASAD

WRIT APPEAL NO. 1096 OF 2005

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Between:

M/s VST Constructions rep. by its

Managing Partner V.V. Srinivasa Rao,

S/o Raghavaiah, Machilipatnam,

Krishna District and another.

……Appellants/ Petitioners

And

The Syndicate Bank,

Regional Office, rep. by its

Authorised Officer/Regional

Manager, Mogalrajupuram,

Vijayawada – 10 and others.

……Respondents/Respondents

:: JUDGMENT ::

Counsel for the Appellants : Mr.Kowturu Vinay Kumar

Counsel for Respondents 1 and 2 : Mr. A. Krishnam Raju,

Standing Counsel

Counsel for Respondent No. 3 : Mr. K. Ravi

Dated: 31-01-2006

Per G.S. SINGHVI, CJ

This appeal is directed against order dated 08-06-2005 passed by the learned Single Judge, whereby Writ Petition No. 778 of 2005 filed by the appellants for quashing sale notification dated 10-01-2005 issued by the Authorised Officer, Syndicate Bank was dismissed.

Learned counsel for the appellants says that he has been instructed to withdraw this appeal with liberty to the appellants to file appeal under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short '2002 Act').

Learned counsel for the respondents say that they do not have any objection if the appellants are allowed to file appeal questioning the sale notification dated 10-01-2005 because an appeal against the confirmation of the sale has already been filed.

In view of the above, the appeal is dismissed as withdrawn with liberty to the appellants to file appeal under Section 17 of 2002 Act questioning the legality of sale notification dated
10-01-2005. We also give liberty to the appellants to file an application for amendment in the pending appeal instead of filing fresh appeal.

G.S. SINGHVI, CJ

G. BHAVANI PRASAD, J

31-01-2005

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